

Board meeting

Public minutes of the meeting

21 March 2018



Minutes of the Board meeting, 21 March 2018

Present

George Jenkins (Chair)
Harry Cayton (CE)
Moi Ali
Frances Done
Tom Frawley
Marcus Longley
Antony Townsend

In Attendance

Christine Braithwaite
Philip Hallam
Marija Hume
John McDermott
Mark Stobbs
Louise Rigg

1. Welcome and Introductions & Declarations of Interest

- 1.1 The Chair welcomed everyone including the observer, Mike Andrews from the NMC.
- 1.2 Moi Ali made a declaration of interest in relation to the NMC Lessons Learned Review and would not take part in the discussions held during the private session of the meeting.

2. Apologies

- 2.1 Renata Drinkwater, Board member and David Gomez, Assistant Director of Scrutiny and Quality (Legal).

3. Minutes of meeting held on 17 January 2018

- 3.1 Antony Townsend proposed a revision to the revision of the Standards of Good Regulation, paragraph 8.2 of the minutes *'it was agreed that the regulators' performance against each standard must be clearly defined as "met" or "not met" ("fully met" was not a helpful category), but subject to that framework the Board. The Board were content with the amendment'*.
- 3.2 The Board approved the revised minute and subject to amendment, approved the minutes as an accurate record.

4. Matters arising from meeting held on 17 January 2018

- 4.1 There were no matters arising from the meeting held on 17 January 2018.

5. Chair's report

- 5.1 The Chair thanked the Standards and Policy team for their hard work in arranging a successful and well attended Academic and Research Conference. Special thanks were given to the Assistant Director of Standards and Policy for organising logistics in the lead up to and on the day of the event.

5.2 The Chair asked the Board to note 7a and 7b as new agenda items. The unapproved Audit and Risk Committee minutes and the unapproved Scrutiny Committee minutes, both of which were held in February 2018.

5.3 **Action:** The secretariat would circulate committee minutes to Board members after the meeting.

6. Executive report

6.1 The Chief Executive reported his membership of the advisory panel to Sir Norman Williams's review of gross negligence manslaughter in healthcare.

6.2 The Authority have signed a contract with the Engineers and Geoscientists of British Columbia to conduct a governance review. The Assistant Director of Standards and Policy will lead on the work with a Senior Scrutiny Officer who successfully applied to work on the contract.

6.3 The Director of Standards and Policy was pleased to report that the Authority's Academic and Research Conference held at Cumberland Lodge had been well received by both participants and speakers. Having had positive feedback about the event venue, it was decided that the conference would be held there next year.

6.4 The Director of Scrutiny and Quality reported no changes to performance reviews or Section 29 referrals since the Executive Report.

6.5 The Director of Governance and Operations reported the Authority were on track with the preparedness plan for General Data Protection Regulations (GDPR) which comes into force on 25 May 2018.

7. Finance Report

7.1 The Head of Finance outlined the underspend. The main drivers for the surplus in regulatory oversight and standards setting area are; lower than expected s29 legal costs, income from a secondment and government commissions. Net expenditure figures include £98k non-cash expenditure for the s29 database write-off which is expected to be £117k this year.

7.2 The Chair of the Audit and Risk Committee made a request to revise the format of the Finance Report to include a forecast.

7.3 **Action:** The Chair of the Audit and Risk Committee and the Director of Governance and Operations would discuss after the Board meeting.

7a. Unapproved Audit and Risk Committee minutes

7a.1 The Chair of the Audit and Risk Committee highlighted DHSC regulation and legal teams had confirmed that whilst the Authority will remain within the main DHSC estimate listing to HMT, a new 'Other Body Accounting Officers' category will be created where the Authority's Accounting Officer will be listed instead of in the ALB category. The new category will be accompanied by a statement to make it explicit that DHSC does not appoint those Accounting Officers.

7a.2 The Chair of Audit and Risk requested the Board to formally note the ARC Chair as the non-executive whistleblowing champion and list contact details on the staff intranet. Board members approved.

Action: Secretariat to update the staff intranet.

7a.3 Board members noted the Audit and Risk Committee had reviewed itself against the NAO Audit and Risk Assurance Committee effectiveness checklist.

7b. Unapproved Scrutiny Committee minutes

- 7b.1 The Chair of Scrutiny reported the Committee were impressed by the quality and thoroughness of the Detailed Case Reviews and were assured by the robust process in the place.
- 7b.2 The Scrutiny Committee will now observe Moderator and Panel meetings to provide oversight of the processes for the Accreditation Team.
- 7b.3 Following on from the decision taken by the Appeal Panel to remove accreditation from Treatments You Can Trust (TYCT), a process learning record of the current system would be conducted.
- 7b.4 The Chair of Scrutiny reported a Freedom of Information request from the Health Service Journal had been made asking about the Authority's decision in the Bawa-Garba case. The decision had been made public and shows the Authority had not considered that the decision was insufficient to protect the public. It was noted that the registrant had appealed and the Authority would be considering its position in respect of that appeal.

8. Revision of Standards of Good Regulation

- 8.1 The Director of Scrutiny and Quality requested approval to continue with the existing approach. The Board gave feedback on the paper and subject to these amendments, were content to approve the publication of the consultation papers in early April for a three-month period. Following the consultation, the final version of the new Standards will be presented to the Board for approval in the autumn, with implementation scheduled for 2019/20.

9. Annual report

- 9.1 The Director of Governance and Operations requested the Board members to note the process, if they would like to see any changes to the format to give their feedback in the next couple of weeks. The Board were content with the format and style of last year's Annual Report.

10. Fees 2018/19

- 10.1 The Director of Governance and Operations reported the Privy Council accepted the Authority's fee proposal and wrote to the Authority and the regulatory bodies on 19 January to consult on its proposal to determine our requirement at the level requested. The Privy Council reviewed the responses it received and issued the determination on 23 February.
- 10.2 The Board expressed thanks to the seven of the nine regulators who had paid already. All payments must be received before the end of the financial year.

11. Update on Accredited Registers

- 11.1 The Director of Standards and Policy updated the Board that Treatments You Can Trust (TYCT) has had its accreditation removed. TYCT had appealed the decision to remove accreditation; an Appeal Panel was convened and having considered the appeal rejected it.

- 11.2 Following discussions at the January Board meeting, the Accreditation Team have implemented a revised fee model for 2018/19. The analysis of responses to the fee consultation has been published.
- 11.3 The Accreditation Team have initiated the new annual renewal process and to date held one Moderator only meeting. The Scrutiny Committee will observe Moderator and Panel meetings to provide oversight of the processes.
- 11.4 A Communications Plan has been finalised to describe where the programme would focus its efforts for 2018/19. This includes the promotion of www.checkapractitioner.com as a way for the public, employers and other healthcare professionals to check the registration status of practitioners.

12. Any other business

- 12.1 The Director of Standards and Policy asked to table a paper on a new format for an Annual Conference to replace the symposium).
- 12.2 The proposal made was to invite the Chief Executives and Chairs of the regulator bodies to meet in a more focused and intimate setting as it had done in previous years. The programme would remain centered on statutory regulation in the main, so as not to lose the primary focus and audience. The Board were content with the approach and approved.

Action: The Chair would write to Chief Executives and Chairs of the regulatory bodies.

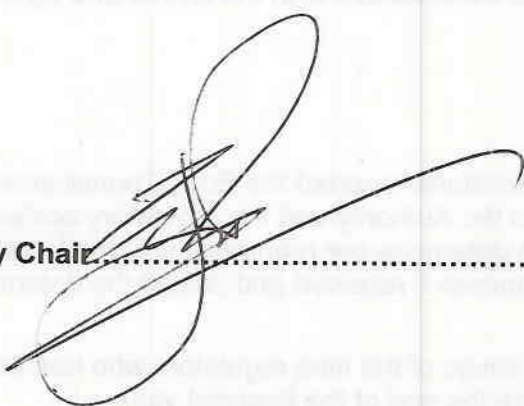
13. Questions from observers

- 13.1 There were no questions from the observer.

14. Private session of the Board

- 14.1 The Board went into the private session of the meeting

Signed by Chair



Date 17 May 2018